

EX PARTE OR LATE FILED

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December 5, 1996

Secretary
Federal Communications Commission
Washington, D.C. 20554

RE: CC Docket 94-102, RM-8143; *ex parte* presentation

Dear Mr. Secretary:

In public hearings conducted September 19-20, 1996 in the referenced proceeding, a copy of Washington State Substitute Senate Bill 5089 was included in materials submitted for the record by Robert Oenning, the state's E911 Administrator. The bill subsequently became law in Washington.

Unfortunately, the copy submitted for the record in September contained only the even-numbered pages Cover Sheet, 2,4,6,8 and 10. The attached corrected copy contains the missing pages 1,3,5,7 and 9.

The corrected material is submitted, pursuant to Section 1.1206 of the Rules, in an original and one copy on behalf of the public safety organizations originally introducing it: National Emergency Number Association, Association of Public-Safety Communications Officials International, Inc. and National Association of State Nine One One Administrators.

Please contact the undersigned or Mr. Oenning, at (360) 923-4511 if you have questions.

Sincerely,


James R. Hobson

cc: Greg Cooke/Alan Thomas, Network Services Division/CCB/FCC

No. of Copies rec'd 0+1
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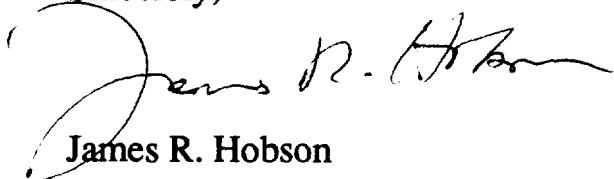
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COPY

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5089

54th Legislature
1995 Regular SessionRECEIVED
DEC 5 1996
Federal Communications Commission
Office of SecretaryPassed by the Senate April 19, 1995
YEAS 42 NAYS 0

President of the SenatePassed by the House April 5, 1995
YEAS 96 NAYS 0

Speaker of the
House of Representatives

Approved

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5089** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

Governor of the State of WashingtonSecretary of State
State of Washington

SUBSTITUTE SENATE BILL 5089

AS AMENDED BY THE HOUSE

Passed Legislature - 1995 Regular Session

State of Washington 54th Legislature 1995 Regular Session

By Senate Committee on Energy, Telecommunications & Utilities
(originally sponsored by Senators Loveland, Finkbeiner and Sutherland)

Read first time 01/25/95.

1 AN ACT Relating to 911 compatibility with private
2 telecommunications systems and private shared telecommunications
3 services; amending RCW 80.04.010 and 43.63A.320; adding new sections to
4 chapter 80.36 RCW; adding a new section to chapter 28A.150 RCW; adding
5 a new section to chapter 35.21 RCW; adding a new section to chapter
6 35A.21 RCW; adding a new section to chapter 36.32 RCW; adding new
7 sections to chapter 38.52 RCW; creating a new section; providing an
8 effective date; and declaring an emergency.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

10 NEW SECTION. Sec. 1. The legislature finds that citizens of the
11 state increasingly rely on the dependability of enhanced 911, a system
12 that allows the person answering an emergency call to immediately
13 determine the location of the emergency without the need of the caller
14 to speak. The legislature further finds that in some cases, calls made
15 from telephones connected to private telephone systems may not be
16 precisely located by the answerer, eliminating some of the benefit of
17 enhanced 911, and that this condition could additionally imperil
18 citizens calling from these locations in an emergency. The legislature
19 also finds that until national standards have been developed to address

1 this condition, information-forwarding requirements should be mandated
2 for only those settings with the most risk, including schools,
3 residences, and some business settings.

4 **Sec. 2.** RCW 80.04.010 and 1991 c 100 s 1 are each amended to read
5 as follows:

6 As used in this title, unless specifically defined otherwise or
7 unless the context indicates otherwise:

8 "Automatic location identification" means a system by which
9 information about a caller's location, including the seven-digit number
10 or ten-digit number used to place a 911 call or a different seven-digit
11 number or ten-digit number to which a return call can be made from the
12 public switched network, is forwarded to a public safety answering
13 point for display.

14 "Automatic number identification" means a system that allows for
15 the automatic display of the seven-digit or ten-digit number used to
16 place a 911 call.

17 "Commission" means the utilities and transportation commission.

18 "Commissioner" means one of the members of such commission.

19 "Competitive telecommunications company" means a telecommunications
20 company which has been classified as such by the commission pursuant to
21 RCW 80.36.320.

22 "Competitive telecommunications service" means a service which has
23 been classified as such by the commission pursuant to RCW 80.36.330.

24 "Corporation" includes a corporation, company, association or joint
25 stock association.

26 "Person" includes an individual, a firm or partnership.

27 "Gas plant" includes all real estate, fixtures and personal
28 property, owned, leased, controlled, used or to be used for or in
29 connection with the transmission, distribution, sale or furnishing of
30 natural gas, or the manufacture, transmission, distribution, sale or
31 furnishing of other type gas, for light, heat or power.

32 "Gas company" includes every corporation, company, association,
33 joint stock association, partnership and person, their lessces,
34 trustees or receiver appointed by any court whatsoever, and every city
35 or town, owning, controlling, operating or managing any gas plant
36 within this state.

37 "Electric plant" includes all real estate, fixtures and personal
38 property operated, owned, used or to be used for or in connection with

1 or to facilitate the generation, transmission, distribution, sale or
2 furnishing of electricity for light, heat, or power for hire; and any
3 conduits, ducts or other devices, materials, apparatus or property for
4 containing, holding or carrying conductors used or to be used for the
5 transmission of electricity for light, heat or power.

6 "Electrical company" includes any corporation, company,
7 association, joint stock association, partnership and person, their
8 lessees, trustees or receivers appointed by any court whatsoever (other
9 than a railroad or street railroad company generating electricity
10 solely for railroad or street railroad purposes or for the use of its
11 tenants and not for sale to others), and every city or town owning,
12 operating or managing any electric plant for hire within this state.
13 "Electrical company" does not include a company or person employing a
14 cogeneration facility solely for the generation of electricity for its
15 own use or the use of its tenants or for sale to an electrical company,
16 state or local public agency, municipal corporation, or quasi municipal
17 corporation engaged in the sale or distribution of electrical energy,
18 but not for sale to others, unless such company or person is otherwise
19 an electrical company.

20 "LATA" means a local access transport area as defined by the
21 commission in conformance with applicable federal law.

22 "Private telecommunications system" means a telecommunications
23 system controlled by a person or entity for the sole and exclusive use
24 of such person, entity, or affiliate thereof, including the provision
25 of private shared telecommunications services by such person or entity.

26 "Private telecommunications system" does not include a system offered
27 for hire, sale, or resale to the general public.

28 "Private shared telecommunications services" includes the provision
29 of telecommunications and information management services and equipment
30 within a user group located in discrete private premises in building
31 complexes, campuses, or high-rise buildings, by a commercial shared
32 services provider or by a user association, through privately owned
33 customer premises equipment and associated data processing and
34 information management services and includes the provision of
35 connections to the facilities of a local exchange and to interexchange
36 telecommunications companies.

37 "Private switch automatic location identification service" means a
38 service that enables automatic location identification to be provided

1 to a public safety answering point for 911 calls originating from
2 station lines served by a private switch system.

3 "Radio communications service company" includes every corporation,
4 company, association, joint stock association, partnership, and person,
5 their lessees, trustees, or receivers appointed by any court, and every
6 city or town making available facilities to provide radio
7 communications service, radio paging, or cellular communications
8 service for hire, sale, or resale.

9 "Telecommunications company" includes every corporation, company,
10 association, joint stock association, partnership and person, their
11 lessees, trustees or receivers appointed by any court whatsoever, and
12 every city or town owning, operating or managing any facilities used to
13 provide telecommunications for hire, sale, or resale to the general
14 public within this state.

15 "Noncompetitive telecommunications service" means any service which
16 has not been classified as competitive by the commission.

17 "Facilities" means lines, conduits, ducts, poles, wires, cables,
18 cross-arms, receivers, transmitters, instruments, machines, appliances,
19 instrumentalities and all devices, real estate, easements, apparatus,
20 property and routes used, operated, owned or controlled by any
21 telecommunications company to facilitate the provision of
22 telecommunications service.

23 "Telecommunications" is the transmission of information by wire,
24 radio, optical cable, electromagnetic, or other similar means. As used
25 in this definition, "information" means knowledge or intelligence
26 represented by any form of writing, signs, signals, pictures, sounds,
27 or any other symbols.

28 "Water system" includes all real estate, easements, fixtures,
29 personal property, dams, dikes, head gates, weirs, canals, reservoirs,
30 flumes or other structures or appliances operated, owned, used or to be
31 used for or in connection with or to facilitate the supply, storage,
32 distribution, sale, furnishing, diversion, carriage, apportionment or
33 measurement of water for power, irrigation, reclamation, manufacturing,
34 municipal, domestic or other beneficial uses for hire.

35 "Water company" includes every corporation, company, association,
36 joint stock association, partnership and person, their lessees,
37 trustees or receivers appointed by any court whatsoever, and every city
38 or town owning, controlling, operating, or managing any water system
39 for hire within this state: PROVIDED, That for purposes of commission

1 jurisdiction it shall not include any water system serving less than
2 one hundred customers where the average annual gross revenue per
3 customer does not exceed three hundred dollars per year, which revenue
4 figure may be increased annually by the commission by rule adopted
5 pursuant to chapter 34.05 RCW to reflect the rate of inflation as
6 determined by the implicit price deflator of the United States
7 department of commerce: AND PROVIDED FURTHER, That such measurement of
8 customers or revenues shall include all portions of water companies
9 having common ownership or control, regardless of location or corporate
10 designation. "Control" as used herein shall be defined by the
11 commission by rule and shall not include management by a satellite
12 agency as defined in chapter 70.116 RCW if the satellite agency is not
13 an owner of the water company. "Water company" also includes, for
14 auditing purposes only, nonmunicipal water systems which are referred
15 to the commission pursuant to an administrative order from the
16 department, or the city or county as provided in RCW 80.04.110.
17 However, water companies exempt from commission regulation shall be
18 subject to the provisions of chapter 19.86 RCW. A water company cannot
19 be removed from regulation except with the approval of the commission.
20 Water companies subject to regulation may petition the commission for
21 removal from regulation if the number of customers falls below one
22 hundred or the average annual revenue per customer falls below three
23 hundred dollars. The commission is authorized to maintain continued
24 regulation if it finds that the public interest so requires.

25 "Cogeneration facility" means any machinery, equipment, structure,
26 process, or property, or any part thereof, installed or acquired for
27 the primary purpose of the sequential generation of electrical or
28 mechanical power and useful heat from the same primary energy source or
29 fuel.

30 "Public service company" includes every gas company, electrical
31 company, telecommunications company, and water company. Ownership or
32 operation of a cogeneration facility does not, by itself, make a
33 company or person a public service company.

34 "Local exchange company" means a telecommunications company
35 providing local exchange telecommunications service.

36 "Department" means the department of health.

37 The term "service" is used in this title in its broadest and most
38 inclusive sense.

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 80.36 RCW
2 to read as follows:

3 By January 1, 1997, or one year after enhanced 911 service becomes
4 available or a private switch automatic location identification service
5 approved by the Washington utilities and transportation commission is
6 available from the serving local exchange telecommunications company,
7 whichever is later, any private shared telecommunications services
8 provider that provides service to residential customers shall assure
9 that the telecommunications system is connected to the public switched
10 network such that calls to 911 result in automatic location
11 identification for each residential unit in a format that is compatible
12 with the existing or planned county enhanced 911 system.

13 NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.150
14 RCW to read as follows:

15 By January 1, 1997, or one year after enhanced 911 service becomes
16 available or a private switch automatic location identification service
17 approved by the Washington utilities and transportation commission is
18 available from the serving local exchange telecommunications company,
19 whichever is later, all common and public schools located in counties
20 that provide enhanced 911 service shall provide persons using school
21 facilities direct access to telephones that are connected to the public
22 switched network such that calls to 911 result in automatic location
23 identification for each telephone in a format that is compatible with
24 the existing and planned county enhanced 911 system during all times
25 that the facility is in use. Any school district acquiring a private
26 telecommunications system that allows connection to the public switched
27 network after January 1, 1997, shall assure that the telecommunications
28 system is connected to the public switched network such that calls to
29 911 result in automatic location identification for each telephone in
30 a format that is compatible with the existing or planned county
31 enhanced 911 system.

32 NEW SECTION. **Sec. 5.** A new section is added to chapter 80.36 RCW
33 to read as follows:

34 By January 1, 1997, or one year after enhanced 911 service becomes
35 available or a private switch automatic location identification service
36 approved by the Washington utilities and transportation commission is
37 available from the serving local exchange telecommunications company,

1 whichever is later, any commercial shared services provider of private
2 shared telecommunications services for hire or resale to the general
3 public to multiple unaffiliated business users from a single system
4 shall assure that such a system is connected to the public switched
5 network such that calls to 911 result in automatic location
6 identification for each telephone in a format that is compatible with
7 the existing or planned county enhanced 911 system. This section shall
8 apply only to providers of service to businesses containing a physical
9 area exceeding twenty-five thousand square feet, or businesses on more
10 than one floor of a building, or businesses in multiple buildings.

11 NEW SECTION. Sec. 6. A new section is added to chapter 35.21 RCW
12 to read as follows:

13 No city or town may enact or enforce an ordinance or regulation
14 mandating automatic number identification or automatic location
15 identification for a private telecommunications system or for a
16 provider of private shared telecommunications services.

17 NEW SECTION. Sec. 7. A new section is added to chapter 35A.21 RCW
18 to read as follows:

19 No code city may enact or enforce an ordinance or regulation
20 mandating automatic number identification or automatic location
21 identification for a private telecommunications system or for a
22 provider of private shared telecommunications services.

23 NEW SECTION. Sec. 8. A new section is added to chapter 36.32 RCW
24 to read as follows:

25 No county may enact or enforce an ordinance or regulation mandating
26 automatic number identification or automatic location identification
27 for a private telecommunications system or for a provider of private
28 shared telecommunications services.

29 NEW SECTION. Sec. 9. A new section is added to chapter 38.52 RCW
30 to read as follows:

31 The state enhanced 911 coordination office may develop and
32 implement public education materials regarding the capability of
33 specific equipment used as part of a private telecommunications system
34 or in the provision of private shared telecommunications services to

1 forward automatic location identification and automatic number
2 identification.

3 **NEW SECTION. Sec. 10.** A new section is added to chapter 38.52 RCW
4 to read as follows:

5 The state enhanced 911 coordination office and the enhanced 911
6 advisory committee may participate in efforts to set uniform national
7 standards for automatic number identification and automatic location
8 identification data transmission for private telecommunications systems
9 and private shared telecommunications services. The enhanced 911
10 advisory committee shall report to the legislature by January 1, 1997,
11 the progress of such standards development and shall make
12 recommendations on steps to be taken if such standards have not been
13 adopted.

14 **Sec. 11.** RCW 43.63A.320 and 1993 c 280 s 69 are each amended to
15 read as follows:

16 Except for matters relating to the statutory duties of the director
17 of community, trade, and economic development which are to be carried
18 out through the director of fire protection, the board shall have the
19 responsibility of developing a comprehensive state policy regarding
20 fire protection services. In carrying out its duties, the board shall:

21 (1) Adopt a state fire protection master plan;

22 (2) Monitor fire protection in the state and develop objectives and
23 priorities to improve fire protection for the state's citizens;

24 (3) Establish and promote state arson control programs and ensure
25 development of local arson control programs;

26 (4) Provide representation for local fire protection services to
27 the governor in state-level fire protection planning matters such as,
28 but not limited to, hazardous materials;

29 (5) Recommend to the director of community, trade, and economic
30 development rules on minimum information requirements of automatic
31 location identification for the purposes of enhanced 911 emergency
32 service;

33 (6) Seek and solicit grants, gifts, bequests, devices, and matching
34 funds for use in furthering the objectives and duties of the board, and
35 establish procedures for administering them;

36 ((-6-)) (7) Promote mutual aid and disaster planning for fire
37 services in this state;

1 ~~((7))~~ (8) Assure the dissemination of information concerning the
2 amount of fire damage including that damage caused by arson, and its
3 causes and prevention;

4 ~~((8))~~ (9) Submit annually a report to the governor containing a
5 statement of its official acts pursuant to this chapter, and make such
6 studies, reports, and recommendations to the governor and the
7 legislature as are requested;

8 ~~((9))~~ (10) Adopt a state fire training and education master plan;

9 ~~((10))~~ (11) Develop and adopt a master plan for the construction,
10 equipping, maintaining, and operation of necessary fire service
11 training and education facilities, but the authority to construct,
12 equip, and maintain such facilities is subject to chapter 43.19 RCW;

13 ~~((11))~~ (12) Develop and adopt a master plan for the purchase,
14 lease, or other acquisition of real estate necessary to establish and
15 operate fire service training and education facilities in a manner
16 provided by law;

17 ~~((12))~~ (13) Adopt standards for state-wide fire service training
18 and education courses including courses in arson detection and
19 investigation for personnel of fire, police, and prosecutor's
20 departments;

21 ~~((13))~~ (14) Assure the administration of any legislation enacted
22 by the legislature in pursuance of the aims and purposes of any acts of
23 Congress insofar as the provisions thereof may apply;

24 ~~((14))~~ (15) Cooperate with the common schools, community
25 colleges, institutions of higher education, and any department or
26 division of the state, or of any county or municipal corporation in
27 establishing and maintaining instruction in fire service training and
28 education in accordance with any act of Congress and legislation
29 enacted by the legislature in pursuance thereof and in establishing,
30 building, and operating training and education facilities.

31 This section does not apply to forest fire service personnel and
32 programs. Industrial fire departments and private fire investigators
33 may participate in training and education programs under this chapter
34 for a reasonable fee established by rule.

35 NEW SECTION. Sec. 12. If any provision of this act or its
36 application to any person or circumstance is held invalid, the
37 remainder of the act or the application of the provision to other
38 persons or circumstances is not affected.

1 NEW SECTION. **Sec. 13.** Section 11 of this act is necessary for the
2 immediate preservation of the public peace, health, or safety, or
3 support of the state government and its existing public institutions,
4 and shall take effect July 1, 1995.

--- END ---